

Remarks

Claims 1-20 are pending in the application. All claims stand rejected. By this paper, claims 1-4, 6, 9, 10 and 14 have been amended. New claims 21-29 have been included to provide claim coverage commensurate with the scope of the invention. No new matter has been added.

Claims 1-9 were provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-9 of co-pending Application No. 09/631,437. Enclosed herewith is a terminal disclaimer that is believed to obviate the double-patenting rejection.

Claims 1-8 were rejected under 35 U.S.C. 102(e) as being anticipated by Gaughan et al. ("Gaughan"). Claims 9-20 were rejected under 35 U.S.C. 103(a) as being unpatentable over Gaughan.

Claim 1 has been amended to more particularly point out and distinctly claim the subject matter of the invention. As amended, claim 1 recites a method of viewing multimedia content on a television having a display area, comprising:

providing a remote control having an input mechanism;

displaying a first image of a first type on the display area, the first image having a first size and being overlaid on a second image of a second type, so that the second image is not visible to a user viewing the display area, the first image with the first size having a first length-to-width ratio;

initiating a first instruction with the input mechanism;

reducing the first image with the first size to a second size in response to the first instruction, so that the second image is partially displayed on the display area, the first image with the second size having a second length-to-width ratio that is substantially the same as the first length-to-width ratio; and

progressively reducing the size of the first image while preserving its length-to-width ratio in response to subsequent initiations of the first instruction with the input mechanism.

These claimed features allow a user to switch from a full-screen television broadcast to a web browser interface overlaid by a reduced-size television window, as well as to progressively reduce the size of the television window by pressing a single button on a remote control. For instance, by initially pressing the button, the user may be presented with a relatively-large television window superimposed over a full-screen web browser. This may be advantageous where the user would still like to watch a television program at close to its full size while monitoring a website for certain information, e.g., stock prices, sports scores, etc.

In other instances, the user may desire a smaller television window to permit more information to be displayed in the web browser. Rather than having to navigate a menu, hunt for different buttons, or drag the corner of a television window with a mouse, the user may simply press the same button on the remote control to progressively reduce the size of the television window each time the button is pressed. This is much easier to do in the dark and eliminates the need for additional buttons on the remote control or specialized equipment, such as mice or keyboards. In addition, the length-to-width ratio of the television window is maintained with each reduction.

Gaughan, by contrast, merely discloses a conventional picture-in-picture (PIP) technique for displaying Internet video and television video. Like a PIP feature in standard television sets, the user is limited to turning the PIP function on/off and

swapping between what is shown in the smaller PIP window, *i.e.*, either the Internet video or the television video.

Unlike the claimed invention, however, Gaughan does not disclose progressively reducing the length and width of an already-reduced television window, let alone doing so through repeated initiations of the same first instruction via the remote control. At best, Gaughan discloses a fixed-size PIP window, similar to those found in conventional television sets.

Accordingly, the applicant respectfully submits that claim 1, as amended, is patentably distinct over the cited reference. Claims 2-5, 15-16, and 21-23 depend directly or indirectly from claim 1 and are therefore patentably distinct for at least the same reasons. Independent claim 6, as well as dependent claims 7-9, 17-18, and 24-26, include similar limitations and are likewise believed to be patentably distinct.

Claim 9, as amended, recites that the "input mechanism of the remote control has a first button and a second button, where the first button progressively decreases the size of the first image being displayed on the display area, and the second button progressively increases the size of the first image being displayed on the display area." Amended claim 14 includes similar limitations.

As noted above, Gaughan does not disclose or suggest progressively decreasing the size of the first image (from its already-reduced size) in response to pressing a button. Likewise, Gaughan does not disclose or suggest progressively increasing the size of the image in response to pressing a different button. Instead, Gaughan merely discloses a fixed-size PIP window with a PIP swap function.

In the Office Action, the Examiner takes Official Notice that it is known in the art for buttons on a remote control to designate a specific functionality. However, the applicant respectfully submits that the reference does not show the specific functionality recited in claim 9, as amended. Furthermore, transferring certain functions to unique configurations of buttons on a remote control device can have significant benefits over conventional approaches, such as traversing a menu or dragging a corner of a window with a mouse. Accordingly, such function-to-button mappings can be, and often are, novel and non-obvious, as in the case of claim 9. Otherwise, claims to usability enhancements for remote controls or other user interfaces would never be allowable, since similar functions can always be found in different user interface configurations, no matter how cumbersome or inconvenient.

Claim 10 has been amended to remove the term "substantially." In the Office Action, the Examiner suggests that Gaughan's second image inherently has a length-to-width ratio that is "*substantially* the same" as the first image. The applicant respectfully submits, however, that Gaughan does not teach or suggest that the length-to-width ratios of the first and second images are the *same*. Today, television screens often have different length-to-width ratios than the television broadcast, itself. For instance, the television screen may have a 16:9 length-to-width ratio, while the broadcast has a 4:3 length-to-width ratio. Moreover, certain types of PIP arrangements are known to change the length-to-width ratio of the smaller video window. Hence, it is not inherent that Gaughan would preserve the length-to-width ratio of the first image during reduction.

Accordingly, claim 10 is believed to be patentably distinct over Gaughan. Claims 11-14 and 27-29 depend directly or indirectly from claim 10 and are likewise believed to be patentably distinct for at least the same reasons.

New claims 22, 25 and 28 variously recite the step of restoring the first image to substantially fill the display area in a closed-loop display cycle after a set number of initiations of the first instruction by the remote control. Once the first image has been reduced to a particular size (or even rendered invisible) by multiple pressings of a designated button, a further button press may restore the first image to its original size. This has the effect of creating a closed-loop display cycle in which the same button may be used to continually move between different display configurations. Unlike other approaches, the user need never remove his or her finger from the button.

New claims 23, 26, and 29 variously recite the further step of progressively enlarging the length and width of the first image while preserving its length-to-width ratio in a closed-loop display cycle after a set number of initiations of the first instruction by the remote control. In this embodiment, when a user has pressed a designated button a set number of times, rather than immediately restoring the first image to its original size, the first image is progressively enlarged each time the instruction is initiated via the remote control.

Gaughan does not disclose a closed-loop display cycle in which the first image is progressively reduced or enlarged each time a designated button is pressed until, at a certain point, the first image is restored to its original size.

In light of the preceding amendments and remarks, the applicant respectfully submits that claims 1-29, as amended, are patentably distinct over the cited reference. A Notice of Allowance is respectfully requested.

Respectfully submitted,

Digeo, Inc.

By


Kory D. Christensen
Registration No. 43,548

STOEL RIVES LLP
One Utah Center Suite 1100
201 S Main Street
Salt Lake City, UT 84111-4904
Telephone: (801) 328-3131
Facsimile: (801) 578-6999